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FISCAL IMPACT REPORT

ORIGINAL DATE 2/09/07
 LAST UPDATED 3/16/07 HB 1008/aSFL

SPONSOR Wallace

SHORT TITLE Signed Language Interpreter Practices Act SB _____

ANALYST C. Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$184.0*	Recurring	Telecommunications Access Fund

(Parenthesis () Indicate Expenditure Decreases)

*Appropriation in HB 2 Contingent on passage of HB 1008

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY07	FY08	FY09		
	Minimal	\$40.0	Recurring	Signed Language Interpreting Practices Fund

(Parenthesis () Indicate Revenue Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total	(0)	\$184*	\$184*	\$328.0	Recurring	Telecommunications Access Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates SB 817

SOURCES OF INFORMATION

LFC Files

Responses Received From

Commission for Deaf and Hard of Hearing (CDHH)

Regulation and Licensing Department (RLD)

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of SFL Amendment

On page 5, line 4, after “members”, the Senate Floor amendment inserts, “, at least two of whom are from each congressional district,”. The purpose of the amendment is to insure diverse representation.

Synopsis of Bill

This bill creates a licensure program for signed language interpreters. The Act includes several definitions:

- Board: Signed Language Interpreting Practices Board
- Consumer: person using the services of a signed language interpreter
- Department: Regulation and Licensing Department
- Interpreter: person who practices interpreting
- Interpreting: process of providing accessible communication between deaf, hard of hearing, or deaf-blind persons and hearing persons, including communication between signed language and spoken language and other modalities such as visual, gestural, and tactile methods, not to include written communication

For the purposes of the Act, a person is interpreting if the person advertises, offers to practice, is employed in a position described as interpreting or holds out to the public or represents in any manner that the person is an interpreter in this state. Unless licensed through this Act, a person cannot:

- Practice as an interpreter for compensation or where compensation is reasonably expected or where effective communication is mandated by state or federal law,
- Use the title of interpreter or make any representation as being an interpreter, or
- Advertise or make any representation that the person is licensed to provide interpreting services

A license is not required for:

- Nonresident interpreters who work in New Mexico less than 30 days a year,
- Interpreting for religious or spiritual settings,
- Interpreting in emergency situations where delay is likely to cause injury or loss to the consumer,
- Interpreting by a supervised interpreter intern or student in training, and
- Multilingual interpreting to accommodate the personal choice of the consumer.

The Act creates the Signed Language Interpreting Practices Board, administratively attached to the Regulation and Licensing Department, which provides the staff for the Board. The Board has seven members appointed by the governor. The members must include two licensed community interpreters, two licensed educational interpreters (one of whom is deaf or hard of

hearing), two consumers, and one person from the general public. Members will serve three-year terms that will be initially staggered.

The powers of the Board include:

- Administering and enforcing this Act,
- Promulgating rules for licensure,
- Evaluating applicants for licensure,
- Promulgating rules to carry out and enforce this Act,
- Maintaining a record of proceedings, and
- Submitting an annual report to the governor.

The Act sets out qualifications to become a licensed community signed language interpreter. The person must: apply and pay the fee, be over 18, be of good moral character, have completed the educational requirements, and hold a nationally recognized signed language certification as defined by the Board.

To qualify for a license as an educational signed language interpreter the person must: apply and pay the fee, be over 18, be of good moral character, have completed all educational requirements, and have passed a skill assessment test.

The Board may issue a one-time provisional license that will be valid for no more than five years. Regular licenses will be renewed every two years and continuing education can be required for renewal.

The Board has the authority to deny, revoke, or suspend a license if there is fraud or deceit in obtaining a license, gross incompetence, unprofessional or unethical conduct, untruthful or misleading advertising, use of alcohol or controlled substance to extent that the interpreter is unfit to practice, violation of the Act, aiding a person who is not licensed to practice, and upon proof of revocation, suspension or denial by another state. Violation of the Act is misdemeanor.

The Board may establish fees that do not exceed:

- initial licensure: \$250
- biennial renewal: \$200
- provisional licensure: \$200,
- annual provisional renewal: \$100

Money from the Telecommunications Access Fund may be used to carry out this Act. The Board sunsets on July 1, 2014.

FISCAL IMPLICATIONS

The pool of interpreters eligible for licensure will be unable to generate sufficient revenue to fund the operations of the board and make it self-sufficient. Accordingly, the bill provides for the transfer of funding from the Telecommunications Fund administered by the Commission on the Deaf and Hard of Hearing. According to budget projections the Board will require \$184,000 for start up expenses for the first year. In succeeding years it is anticipated that the Board will need an additional \$184,000 to fund its operations. The budget is significantly higher than other licensing boards because of the nature of the population served by the licensees requiring the

availability of a full-time interpreter on staff in addition to the other usual staff. Additionally, the Board will be made up of 7 members rather than the usual 5 and, although Board members will serve without compensation, Board members will be entitled to per diem for attending board meetings.

* \$184,000 is listed on both the Appropriations table and the Estimated Additional Operating Budget table for the following reasons. The HAFC has approved an additional \$184,000 for transfer to the Signed Language Interpreters Fund. However, a specific appropriation is not included in this bill so the Estimated Additional Operating budget is \$184,000. RLD is not suggesting an appropriation of \$184,000 and an additional operating budget of \$184,000.

SIGNIFICANT ISSUES

The purpose of establishing the Signed Language Interpreter Licensure Board is;

- 1) Licensure is necessary to offer public assurance of professional competence.
- 2) Deaf and hard of hearing persons will benefit from improved interpreter qualifications in educational, medical, legal, job and other professional settings;
- 3) The deaf and hard of hearing public will benefit from higher standards as well as increased professional and legal accountability as a result of professional licensure;
- 4) Both the deaf and hard of hearing community, as well as the public at large, will benefit economically from strengthening the standards of educational interpretation, permitting increased opportunities to the deaf;
- 5) Provide deaf and hard of hearing community direct legal protection for malpractice or malfeasance
- 6) Decrease in the injury suffered by the deaf and hard of hearing due to unqualified interpreters in educational, medical, and legal contexts;
- 7) The current sign-language interpreters that do not qualify will be offered a grace period to qualify for licensure and would be given a three year grace period to qualify. In anticipation of interpreter shortage, the Commission for the Deaf and Hard of Hearing (CDHH) has developed a mentoring program, to assist interpreters in enhancing their skills and additional mentoring programs will be added once Interpreter Licensure has been established. The CDHH will also investigate other opportunities for signed language interpreters to improve their skills and satisfy licensure requirements.

PERFORMANCE IMPLICATIONS

If this board does not receive an appropriation of at least \$184,000 it will be virtually impossible to carry out its functions.

ADMINISTRATIVE IMPLICATIONS

This Board will be attached to the Regulation and Licensing Department. RLD does not have specific expertise in providing services to disabled populations and would need to have the services of an interpreter available at all times.

DUPLICATION,

TECHNICAL ISSUES

Although the bill provides for an appropriation it does not identify a specific dollar amount.

OTHER SUBSTANTIVE ISSUES

Many state agencies use signed language interpreters regularly. For these agencies, licensure will give greater certainty that interpreters have the skills and knowledge necessary. The bill also creates a disciplinary process. While rare, occasionally, actions of interpreters come into question and should be reviewed. Currently, there is no formal process for this review. Biennial renewal will also provide assurance to state agencies that an interpreter is actively working and maintaining the skills needed as an interpreter.

The Legislative Finance Committee supports the creation of this board.

ALTERNATIVES

Recommend adding direct appropriation language to the bill in the amounts stated above.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Signed Language Interpreters will continue to be able to provide interpreting services without licensure.

CS/csd